

CHARGE SHEET FORM

Fill in all spaces unless otherwise indicated and submit the original to the Office of Student Affairs in Room 400. Attach pages explaining how the alleged violation(s) occurred, giving dates and times when relevant, all supporting evidences or a detailed list of such evidences, statements as to the constitutional, statutory, and/or regulatory provisions allegedly violated, and a separate document explaining why a preliminary injunction is needed, if one is requested. You will be notified if your case is accepted, and will be notified in writing if your case is not. Please type or print clearly. E-mail the Chair and Assistant Chair (check www.asuc.org) should you require assistance and to notify the Council that you have filed a charge.

TO: ASUC Judicial Council
FROM: Erin Delaney, Solicitor General and Kevin Gibson, Former Attorney General
[You will be recognized as the spokesperson for the complainant before the Council unless otherwise noted in the hearing. JRP 4.7]
ADDRESS: 2442 Piedmont Ave. Apt#4, Berkeley, CA 94704
PHONE: 619.204.4640 E-MAIL: solicitorgeneral@asuc.org

We, Erin Delaney and Kevin Gibson, representing Lynn Yu and the VOICE Initiative,
[Spokesperson]

hereby request the ASUC Judicial

Council to issue a ☒ Direct Judgment ☐ Restraining Order ☐ Writ of Mandamus
☐ Advisory Opinion ☐ Appeal ☐ Rehearing

against President Vishalli Loomba and the ASUC. The named person(s) may be contacted at
president@asuc.org, 510.642.1433 .

I charge the above person(s) with violating Article II, Section 2, Clause C of the ASUC Constitution as explained in the attached.

X I request an Expedited Hearing.

[Include a separate document explaining why an Expedited Hearing is necessary. See JRP 3.5.3]

____ I am requesting a Preliminary Injunction.

____ I am requesting a Gag Order. [See JRP 3.7]

[Include a separate document explaining why a Preliminary Injunction is needed. See JRP 3.8]

X I am requesting witnesses/evidence be subpoenaed.

[Include all names and contact information as well as the reasons for the request. See JRP 3.9]

____ I am requesting witness depositions.

[Include all names and contact information. See JRP 3.10]

____ Charge Sheet is filed under seal. Only the Council will see this until such time as it is unsealed. [Include a separate document explaining why the charge is filed under seal. See JRP 3.6.2.2]

Signed:[x] Lynn Yu

Date: 13 April 2012

Lynn Yu, Campaign Manager VOICE Initiative

Signed:[x] Erin Delaney

Date: 13 April 2012

Erin Delaney, Solicitor General

Signed:[x] Kevin Gibson

Date: 13 April 2012

Kevin Gibson, Former Attorney General

Received: _____
[OSA Director]

Date: _____ Time: _____

Revised 03/14/07, Chair Marisa Cuevas and Assistant Chair Kate Feng

1. Explanation of Charges:

Article II, Section 2, Clause C reads as follows:

To direct by Executive Order the taking of actions which are urgent and necessary to maintain the functioning of the A. S.U.C. until the Senate can again meet. Any such Executive Order automatically expires at the third regular Senate meeting following issuance of the order, or upon termination by the Senate by a majority of those voting, a quorum being present to do business.

Voiding the VOICE Initiative on the second day of voting during the election does not constitute an action which is “urgent and necessary to maintain the functioning of the ASUC”, but rather undermines the principles of democracy to which our student government is committed. Further, it punishes the authors and proponents of the VOICE Initiative who for approximately a year have worked to ensure that every precaution was taken to ensure that their referendum had legitimacy in the ASUC elections.

The VOICE Initiative was voted onto the ballot by the ASUC Senate after it had been reviewed by the Attorney General and the ASUC Senate's Constitutional Review Committee. The language was sent to and reviewed by UCOP liaison Laurent Heller. The referendum and the language that appears on the ballot was also approved by the UC Office of the President (UCOP).

In Executive Order #4, President Loomba cites UC Office of the President policy 87 failing to acknowledge that the Chancellor's consent for a referendum for creating compulsory student fees to fund non-University organizations supersedes Section 82 regarding the exclusion of referendums. This ability for the Chancellor to supersede this rule was used by the ASUC to justify the BEARS Initiative.

Although President Loomba undoubtedly was acting in what she believed was in the best interest of the student body when she issued the Executive Order, the facts of the case indicate that it is not necessary to have a Memorandum of Understanding between the VOICE Initiative/The Daily Californian and the UC Office of the President before the passage of this referendum.

In voiding the referendum, the electoral process was interrupted, therefore leaving this election to operate in opposition to the principles of democracy, which President Loomba refers to as one of her main considerations in her Executive Order. Further, it is up to the students to decide via democratic vote if they wish to create a compulsory student fee, with the permission of the Chancellor, in order to support The Daily Californian, a proud and long-standing component of the University of California, Berkeley campus.

For these reasons, Executive Order #4 issued by President Vishalli Loomba must be overturned, and the votes in regard to the VOICE Initiative counted in order to let the voice of the voters be heard.

2. Witnesses

- A. President Vishalli Loomba: To testify regarding the issuance of the Executive Order
- B. Member(s) of the ASUC Constitutional Review Committee: To confirm that they did in fact review the VOICE Initiative language and verified it in relation to the by-laws, as their position describes
- C. Lynn Yu, Campaign Manager for the VOICE Initiative: To testify regarding the steps taken to ensure the legitimacy of the VOICE Initiative
- D. Tomer Ovadia, Editor in Chief and President, The Daily Californian: To testify

regarding the steps taken to ensure the legitimacy of the VOICE Initiative

- E. Laurent Heller: To testify about the communications between the representatives of the VOICE Initiative and UCOP.

3. Request for an Expedited Hearing

We request an expedited hearing to make sure that the VOICE Initiative is not considered void when the votes from this election are tallied. Further, given the controversial nature of the Executive Order, we would like this to be dealt with expediently to make sure that this use of the Executive Order is addressed before it is considered precedent for further actions.